

Message Text

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ACTION IO-13

INFO OCT-01 IO-12 ADP-00 AF-10 ARA-11 EA-11 EUR-25 NEA-10

RSC-01 COA-02 EB-11 OIC-04 CIAE-00 DODE-00 PM-09 H-02

INR-09 L-03 NSAE-00 NSC-10 PA-03 PRS-01 SS-14 USIA-12

ACDA-19 AEC-11 AGR-20 CG-00 COME-00 DOTE-00 FMC-04

INT-08 JUSE-00 NSF-04 OMB-01 SCI-06 CEQ-02 RSR-01

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R 161327 Z MAR 73

FM USMISSION USUN NY

TO SECSTATE WASHDC 7024

UNCLAS USUN 0904

E. O. 11652: N/A

TAGS: PBOR, UN

SUBJ: LOS: WORKING GROUP OF SUBCOMMITTEE III,
SECOND MEETING 15 MARCH

1. ICELAND FOUND CANADIAN DRAFT ARTICLES EXCELLENT BASIS FOR DISCUSSION, ESPECIALLY ARTICLE II (MEASURES FOR PREVENTION OF POLLUTION), ARTICLE VII (COMPENSATION FOR DAMAGE) AND ARTICLE X (ENFORCEMENT). FAVORABLY DISPOSED TO MARINE POLLUTION ZONE AS FLAG STATE JURISDICTION IS INADEQUATE. FAVOR STRONG GENERAL CONVENTION ON MARINE POLLUTION. CONVENTION SHOULD BE LIMITED TO MAN- MADE POLLUTION AND NOT NATURAL POLLUTION, I. E. VOLCANIC ASH FALLING IN ANOTHER STATE' S TERRITORIAL SEA.

2. IT WAS DECIDED THAT THE WORKING GROUP WOULD CONSIDER SERIATIM THE ISSUES (TITLES) IN ORDER RAISED IN THE CANADIAN PAPER AND CONSIDER ALL PROPOSALS RELATING TO THOSE ISSUES. WHEN THE GESAMP DEFINITION OF " MARINE POLLUTION " IS DISTRIBUTED BY SECRETARIAT, AND WHEN MALTA DRAFTS A DEFINITION OF " PRESERVATION OF THE UNCLASSIFIED

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MARINE ENVIRONMENT" DISCUSSION WILL SHIFT TO CONSIDERING THEM. ORDER OF DISCUSSING ISSUES WILL NOT PREJUDICE

PROPOSALS TO BE SUBMITTED IN FUTURE. (MALTA INDICATED THAT AFTER CONSIDERING TITLES I- III, FURTHER DECISIONS AS TO FUTURE ACTIONS SHOULD BE CONSIDERED.)

3. DISCUSSION COMMENCED ON THE BASIC OBLIGATION OF STATES (ART I CANADIAN PAPER; PRINCIPLE (A) AUSTRALIAN PAPER). SEVERAL STATES (UK, KENYA, USSR, SPAIN, THAILAND, NIGERIA AND MEXICO) SPOKE SYMPATHETICALLY ON BASIC OBLIGATION OF STATES TO PROTECT AND PRESERVE MARINE ENVIRONMENT, THOUGH SOME OF THEM HAD RESERVATIONS. SPAIN SAID STATES "SHOULD" PROTECT AND PRESERVE... KENYA WANTED TO ENSURE OBLIGATION WOULD NOT BE USED TO IMPEDE LDC'S IN UTILIZING NATURAL RESOURCES. MALTA DID NOT AGREE THAT THERE WAS A GENERAL OBLIGATION OF STATES TO PROTECT THE MARINE ENVIRONMENT AS E. G. POLLUTION IS A NECESSARY ADJUNCT OF INDUSTRIALIZATION. HE SAID STATES MAY POLLUTE WITHIN NATIONAL JURISDICTION, BUT NOT OUTSIDE THEIR NATIONAL JURISDICTION. THAILAND, KENYA, NIGERIA AND SPAIN SYMPATHIZED WITH MALTA.

4. THAILAND SUGGESTED THAT STATES HAVE THE BASIC OBLIGATION IF FAILURE TO FULFILL OBLIGATION WILL CREATE HAZARDS TO HUMAN HEALTH TO HARM LIVING RESOURCES AND MARINE LIFE, TO DAMAGE AMENITIES OR TO INTERFERE WITH OTHER LEGITIMATE USES OF MARINE ENVIRONMENT (KENYA SYMPATHETIC).

5. U. S. SAID THAT IF WE EXPLORE ALL CONSEQUENCES OF THE BASIC OBLIGATION, WE WOULD WRITE ENTIRE CONVENTION UNDER ART I. HE SUGGESTED ADD CLAUSE "IN ACCORDANCE WITH THE PROVISIONS OF THIS CONVENTION" TO CANADIAN ARTICLE. HE SUGGESTED VIEWING ISSUE IN THREE PARTS (I) WHAT IS OBJECT OF OBLIGATION, (II) WHAT IS CONTENT OF OBLIGATION, (III) WHAT ARE CONSEQUENCES OF FAILING TO FULFILL OBLIGATION.

6. CANADA SAID ARTICLES WOULD FORM UMBRELLA CONVENTION. JAPAN WAS NOT CONVINCED THAT "UMBRELLA" WAS NECESSARY AND RESERVED POSITION ON THAT ISSUE. JAPAN THOUGHT IMPORTANT ISSUE WAS IMPLEMENTATION OF BASIC OBLIGATION AND FOUND CANADIAN PAPER LACKING IN THAT REGARD.
PHILLIPS

UNCLASSIFIED

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Message Attributes

Automatic Decaptioning: X
Capture Date: 02 APR 1999
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 16 MAR 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973USUNN00904
Document Source: ADS
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: n/a
Film Number: n/a
From: USUN NY
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730347/abqcdxue.tel
Line Count: 96
Locator: TEXT ON-LINE
Office: n/a
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: shawdg
Review Comment: n/a
Review Content Flags:
Review Date: 07 SEP 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <07-Sep-2001 by maustmc>; APPROVED <30-Jan-2002 by shawdg>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: LOS: WORKING FROUP OF SUBCOMMITTEE III, SECOND MEETING 15 MARCH
TAGS: PBOR, UN
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005